

PTO/SB/81 (09-04)

Approved for use through 07/31/2006. OMB 0661-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)</b>	<b>Docket Number:</b> 717901.19
<p>First named inventor: Burns, John Granville</p> <p>Application No.: 10/006,017 <span style="float: right;">Art Unit: 3643</span></p> <p>Filed: December 4, 2001 <span style="float: right;">Examiner: Gellner, Jeffrey L.</span></p> <p>Title: PLAYING SURFACE SUBSTRATE, IN PARTICULAR TURF MATS</p> <p>Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p> <p style="text-align: center;">NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.</p> <p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.</p> <p style="text-align: center;"><b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.</b></p> <p style="text-align: center;">NOTE: A grantable petition requires the following items:</p> <p style="text-align: center;">(1) Petition fee. (2) Reply and/or issue fee. (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Adequate showing of the cause of unavoidable delay.</p> <p>1. Petition fee</p> <p><input checked="" type="checkbox"/> Small entity-fee \$ <u>250.00</u> (37 CFR 1.17(I)). Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Other than small entity - fee \$ _____ (37 CFR 1.17(I))</p> <p>2. Reply and/or fee</p> <p>A. The reply and/or fee to the above-noted Office action in the form of <u>Response to Restriction Requirement and Amendment</u> (Identify type of reply):</p> <p><input checked="" type="checkbox"/> has been filed previously on <u>June 21, 2004</u>.</p> <p><input checked="" type="checkbox"/> is enclosed herewith.</p> <p>B. The issue fee of \$ _____</p> <p><input type="checkbox"/> has been paid previously on _____.</p> <p><input type="checkbox"/> is enclosed herewith.</p>	

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This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**  
SignatureDecember 30, 2004  
DateKevin M. Kercher  
Typed or printed name33,408  
Registration Number, if applicable720 Olive Street, Suite 2400  
Address314-345-6000  
Telephone NumberSt. Louis, MO 631010  
AddressEnclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unavoidable delay☒ copy of stamped return postcard, US Postal Service Mail Receipt

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.\_\_\_\_\_  
Date\_\_\_\_\_  
SignatureBeth Hookway  
Type or printed name of person signing certificate

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PTO/SB/B1 (09-04)

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

  
Signature

December 30, 2004  
Date

Kevin M. Kercher  
Typed or printed name

33,408  
Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

The response to the restriction requirement dated May 19, 2004 was timely filed on June 21, 2004. A copy of this response is enclosed as Appendix A. This response was received by the United States Post Office as evidenced by the copy of the post card which is enclosed as Appendix B. The proof from the United States Postal Service of delivery of this response is enclosed as Appendix C.

It is respectfully believed that this abandonment was completely and utterly unavoidable since a response to the restriction requirement was timely sent to the United States Patent Office and received in a timely manner by the United States Patent Office. This abandonment is solely the result of the United States Patent Office misplacing a response that was received by the United States Patent Office. There was no delay whatsoever by the Applicant in filing a proper reply.

Applicant respectfully requests the granting of this petition to revive this unavoidably abandoned patent application that was abandoned through absolutely no fault of the Applicant.

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